

04-18-01

A

J1035 U.S. PTO  
04/17/01

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

J1035 U.S. PTO  
09/836781  
04/17/01

**UTILITY PATENT APPLICATION  
TRANSMITTAL LETTER  
UNDER 37 C.F.R. 1.53(b)**

ATTORNEY DOCKET NO..  
11443/45

Address to:  
Assistant Commissioner for Patents  
Washington D.C. 20231  
Box Patent Application

Transmitted herewith for filing is a patent application.

Inventor(s): Michael P. WHITMAN, John BURBANK,  
David ZEICHNER

For: **ELECTRO-MECHANICAL SURGICAL DEVICE**

Enclosed are:

1.  41 pages of Specification, 9 pages of Claims and 1 page of Abstract;  
 44 pages of Drawings
2. Applicants are deemed to be a small entity and are entitled to small entity status.
3. Applicants hereby claim the benefit of the priority dates of U.S. Patent Application Serial No. 09/723,715, filed on November 28, 2000, Serial No. 09/324,451, filed on June 2, 1999, Serial No. 09/324,452, filed on June 2, 1999, Serial No. 09/351,534, filed on July 12, 1999, Serial No. 09/510,923, filed on February 22, 2000, Serial No. 09/510,927, filed February 22, 2000 and Serial No. 09/510,932, filed on February 22, 2000, under 35 U.S.C. § 120.

Express Mail No. EL234413165US

09836781 041701

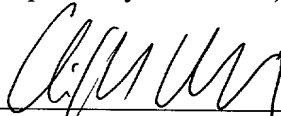
The filing fee has been calculated as shown below:

|  | NUMBER FILED | NUMBER EXTRA* | RATE (\$)          | FEE (\$) |
|--|--------------|---------------|--------------------|----------|
| BASIC FEE  |              |               |                    | 710.00   |
| TOTAL CLAIMS   | 44 - 20 =    | 24            | 18.00              | 432.00   |
| INDEPENDENT CLAIMS   | 4 - 3 =      | 1             | 80.00              | 80.00    |
| MULTIPLE DEPENDENT CLAIM PRESENT   |              |               | 270.00             |          |
| *Number extra must be zero or larger   |              |               | TOTAL              | 1,222.00 |
| If the applicant is a small entity under 37 C.F.R. §§ 1.9 and 1.27, then divide total fee by 2, and enter amount here. |              |               | SMALL ENTITY TOTAL | 611.00   |

4. Please charge the required application filing fee of **\$611.00** to the deposit account of **Kenyon & Kenyon**, deposit account number **11-0600**.
5. The Commissioner is hereby authorized to charge payment of any fees associated with this communication or arising during the pendency of this application, with the exception of the Issue Fee, or to credit any overpayment, to the deposit account of **Kenyon & Kenyon**, deposit account number **11-0600**.
6. When payment of any Issue Fee under 37 C.F.R. § 1.18 and/or Post Issuance Fee under 37 C.F.R. § 1.20 has previously been expressly authorized, the Commissioner is hereby authorized to charge payment of any deficiency in these fees to the deposit account of **Kenyon & Kenyon**, deposit account number 11-0600.
7. A duplicate of this letter is enclosed for that purpose.

Respectfully submitted,

Dated: April 17, 2001

By:   
 Clifford A. Ulrich (Reg. No. 42,194)  
 KENYON & KENYON  
 One Broadway  
 New York, New York 10004  
 (212) 425-7200 (telephone)  
 (212) 425-5288 (facsimile)

© Kenyon & Kenyon 2000



26646

PATENT TRADEMARK OFFICE

T02T40" T2492260

JCS21 U.S. PTO  
09/836781  
04/17/01

EXPRESS MAIL CERTIFICATE

"EXPRESS MAIL" MAILING LABEL NUMBER EL 234413165US

DATE OF DEPOSIT 4/17/01

TYPE OF DOCUMENT CIP Application

RE: WHITMAN, Michael P., et al.

SERIAL NO. To be assigned FILING DATE Hereafter

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE, BY BEING HANDED TO A POSTAL CLERK OR BY BEING PLACED IN THE EXPRESS MAIL BOX BEFORE THE POSTED DATE OF THE LAST PICK UP, AND IS ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

Chandus Seonani  
(PRINTED NAME OF PERSON MAILING PAPER OR FEE)

Chandus Seonani  
(SIGNATURE OF PERSON MAILING PAPER OR FEE)

Electro-Mechanical Surgical Device

09836781 041701